



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
SR-6J

March 17, 1997
OMC097004



Mr. Roger Crawford
OMC
190 Sea Horse Drive
Waukegan, IL 60085-2141

RE: Draft July 1996 Construction Complete Report

Dear Mr. Crawford:

Thank you for forwarding the document entitled *Construction Complete Report, Waukegan Harbor Remedial Action*, dated July 1996.

The October 7, 1988, Consent Decree defines the threshold for submittal of Construction Completion documents in Section XXIV, EFFECTIVE AND TERMINATION DATES, Subsection B. This Subsection states that "(U)pon completion of five years operation and maintenance activities in accordance with the Operation and Maintenance Plan..., or one year after the final cap is placed on the final containment cell, whichever is later, OMC shall submit to U.S. EPA and IEPA a Notice of Completion and a final report as required by the RAP." In reviewing these thresholds, it is apparent that the five years of Operation and Maintenance (O&M) will be completed later than the one year period after a final cap was placed on the final containment cell. For this reason, the completion of 5 years of O&M are required before final document review can be completed.

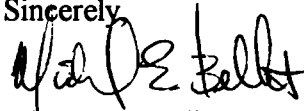
Using the final construction date for Slip Number 3 Containment Cell of December 1994, as suggested in OMC's July 10, 1996 letter from Maribeth Flowers to EPA Assistant Regional Counsel Sean Mulroney, the 5 year O&M period would not be fully completed until December, 1999. Because the required O&M has not been completed, as stipulated in the Consent Decree, the USEPA is unable to approve the Construction Complete Report as satisfying the requirements of Section XXIV, Subsection B.

However, as the Agencies committed in our 1996 meetings, we have reviewed the report and find it to be the most comprehensive summary of the work completed to date. Although we cannot grant formal approval for this document until the requisite O&M has been completed, U.S.EPA, in consultation with the Illinois Environmental Protection Agency (IEPA), believes there is value

in having this document available for public review. For this reason, U.S.EPA proposes to accept this document for the public record without an implied or expressed approval, and further encourages OMC to provide copies for addition to the appropriate repositories. This acceptance does not waive any of USEPA's or IEPA's rights for review, comment and approval of this document. Further, this acceptance has no bearing on cost recovery, penalty negotiations, performance standards or other Consent Decree considerations.

Once the required O&M has been completed and summarized, please submit the additional supporting information for review and approval. If you have questions regarding this letter, please do not hesitate to contact me at (312) 353-6425.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Bellot", written over a horizontal line.

Michael E. Bellot
EPA Remedial Project Manager

cc: Sean Mulroney, EPA
Steve Wiley, USDOJ
Jerry Willman, IEPA
Jim McMoran, USCOE
Maribeth Flowers, OMC
Trisha Sutton, OMC



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

(217) 782-6762

October 31, 1996

Mr. Lawrence Schmitt
Waste Management Division
Office of Superfund
HSRL-6J
USEPA, Region V
77 West Jackson Blvd
Chicago, Illinois 60604

**Re: L0971900017 Lake Co.
Waukegan Harbor/OMC
Superfund/Tech**

Dear Mr. Schmitt:

The IEPA has reviewed the document entitled "Construction Completion Report". IEPA approves the document subject to revisions based upon the required future data obtained under an approved Operation and Maintenance Plan.

Within certain sections of the document, Canonic explains its failure to meet testing frequencies which were established before the initiation of the remedial action. These sections go on to explain why such failures are not significant. It should be noted that the legal implications regarding these failures have not been resolved and the approval of this document shall in no way affect the resolution of such issues.

If you have any questions please contact me.

Sincerely,

Gerald E. Willman
Project Manager
Remedial Project Management Section
Bureau of Land

cc: Div. File



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

(200-1c)

Construction-Operations Division

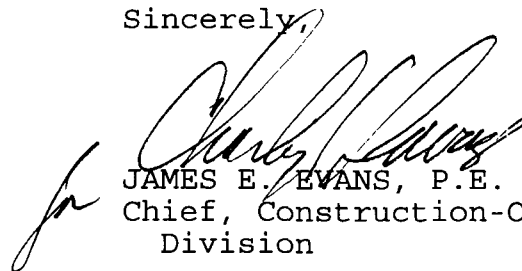
U.S. Environmental Protection Agency
Attn: Lawrence Schmitt, HSRL-6J
Region V
Remedial Project Manager
77 West Jackson Boulevard
Chicago IL 60604-3590

Dear Mr. Schmitt:

The Construction Completion Report provided by Outboard Marine Corporation (OMC) via 15 July 1996 correspondence has been reviewed by our oversight representative. No discrepancies were found in the report or the information included on the drawings. OMC should provide a report supplement for the recently completed treatment plants.

If you have any questions, please contact Chuck Savage at 312/353-6400, Extension 4002.

Sincerely,



JAMES E. EVANS, P.E.
Chief, Construction-Operations
Division